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UNITED STATES DEPARTMENT OF COMMERCE
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Page 1 of 2 JFW

| APPLICATION NUMBER | FILING OR 371 (c) DATE | FIRST NAMED APPLICANT | ATTORNEY DOCKET NUMBER |
|--------------------|------------------------|-----------------------|------------------------|
| 10/792,240 | 03/03/2004 | Sumihito Konishi | 17518 |

23389
SCULLY SCOTT MURPHY & PRESSER, PC
400 GARDEN CITY PLAZA
GARDEN CITY, NY 11530

CONFIRMATION NO. 4767
FORMALITIES LETTER

OC000000013920018

Date Mailed: 09/28/2004

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

11/04/2004 FFANIA2 00000041 10792240

01 FC:1051 130.00 OP
02 FC:1053 130.00 OP

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- The application was filed in a language other than English. Applicant is required to provide an English translation of the specification and a statement that the translation is accurate. (See 37 CFR 1.52(d)).
- Applicant must file an English translation of the application, the \$ 130 fee set forth in 37 CFR 1.17(i), unless previously submitted, and a statement that the translation is accurate (37 CFR 1.52(d)).
- Because your specification was filed in a language other than English, the Office was unable to determine the number of claims submitted. Additional claim fees may be due once the number of claims can be determined.

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Replacement drawings in compliance with 37 CFR 1.84 and 37 CFR 1.121 are required. The drawings submitted are not acceptable because:
 - The drawing figures contain text that is not in English (including, for example, a flow chart that was originally not in English that has been marked up to include the English text) (see 37 CFR 1.84(p)(2) and 37 CFR 1.52(d)(1)). See Figure(s) 1-26.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is **\$260** for a Large Entity

- **\$130** Late oath or declaration Surcharge.
- **\$130** for English translation surcharge required.

Replies should be mailed to: Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

*A copy of this notice **MUST** be returned with the reply.*

Phuong Bin
Customer Service Center
Initial Patent Examination Division (703) 308-1202
PART 2 - COPY TO BE RETURNED WITH RESPONSE

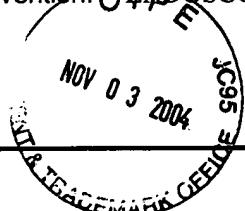
**Response To Notice To File Missing Parts Of Application
Filing Date Granted (PTO-1533)(Large Entity)**

Docket No.
17518

In Re Application Of: **Sumihito Konishi**

| Application No. | Filing Date | Examiner | Customer No. | Group Art Unit | Confirmation No. |
|-------------------|----------------------|-------------------|--------------|-------------------|------------------|
| 10/792,240 | March 3, 2004 | Unassigned | 23389 | Unassigned | 4767 |

Invention: **ENDOSCOPE SURGICAL SYSTEM**



Mail Stop Missing Parts
COMMISSIONER FOR PATENTS:

This is a response to the Notice to File Missing Parts of Application - Filing Date Granted (PTO-1533) mailed on
September 28, 2004.

Date

Enclosed herewith for filing are the following:

- A copy of the Notice to File Missing Parts of Application - Filing Date Granted (PTO-1533). **(REQUIRED)**
- An oath or declaration in compliance with 37 CFR 1.63, including residence information and identifying the application by the above Application Number and Filing Date.
- A properly signed oath or declaration in compliance with 37 CFR 1.63.
- An oath or declaration in compliance with 37 CFR 1.63 listing the names of all inventors and signed by the omitted inventor(s), identifying this application by the above Application Number and Filing Date.
- A verified English translation of the non-English language application papers as originally filed. It is requested that this translation be used as the copy for examination purposes in the United States Patent and Trademark Office.
- Other (list):

Eighteen (18) sheets of replacement drawings

Claim of Priority: Japanese Patent Appln. No. 2003-062049, dated March 7, 2003

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Invention: ENDOSCOPE SURGICAL SYSTEM

TO THE COMMISSIONER FOR PATENTS:

Mail Stop Missing Parts

- Completion of application fees as calculated below:

Utility application filing fee

Design application filing fee

Total number of independent claims =

Total number of claims =

Multiple dependent claims

Surcharge for late payment of filing fee and/or late filing of original declaration or oath **\$130.00**

Petition and fee for filing by other than all the inventors or a person not the inventor

Fee for processing an application filed with a non-English language specification \$130.00

Fee for processing and retention of application

Total completion of application fees \$260.00

This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a response to the above-identified Notice to File Missing Parts of Application. The requested extension is as follows (check time period desired). If an additional time extension is required, please consider this a petition therefor.

One month Two months Three months Four months Five months

from: _____ **until:** _____

Date _____

Date

Total time extension fees

Total fees due

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The fee of **\$260.00** is to be paid as follows:

- A check in the amount of the fee is enclosed.
- The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account No. **19-1013/SSMP**
- If an additional extension of time is required, please consider this a petition therefor and charge any additional fees which may be required to Deposit Account No.
- Payment by credit card. Form PTO-2038 is attached.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.



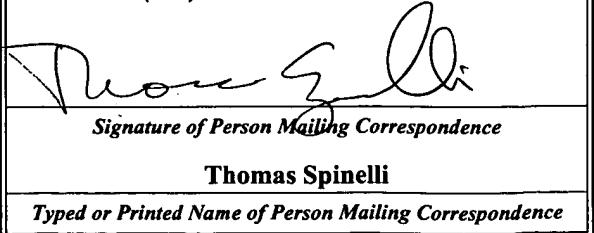
Thomas Spinelli
Signature

Dated: **November 1, 2004**

Thomas Spinelli
Reg. No. 39,533
SCULLY, SCOTT, MURPHY & PRESSER
400 Garden City Plaza
Garden City, NY 11530
(516) 742-4343
TS:jam

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on **November 1, 2004**.

(Date)



Thomas Spinelli
Signature of Person Mailing Correspondence
Thomas Spinelli
Typed or Printed Name of Person Mailing Correspondence

CC:

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Filing Date Granted (PTO-1533)(Large Entity)

NOV 03 2004

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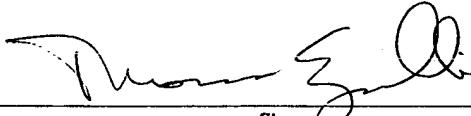
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(Date)



Signature of Person Mailing Correspondence

Thomas Spinelli

Typed or Printed Name of Person Mailing Correspondence

CC: